

# SENATE JOURNAL

*Forty-second Legislature—First Called Session.*

## FIRST DAY.

Senate Chamber,  
Austin, Texas,  
July 14, 1931.

The Senate met at 12 o'clock noon and was called to order by Lieutenant Governor Edgar E. Witt.

Prayer by the Rev. W. H. Doss.

## Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary: Bob Barker.

Sergeant-at-Arms: Captain A. W. Holt.

Journal Clerk: Wendell O'Neal.

Doorkeeper: W. D. Collins.

## Temporary Pages.

Guion Clayton, Jack Cowley, Ernest LeMay, Jr., Bobby Burkett, Arnold Chudej, Henry Redmond, Palmer Haynie, Ward Patterson, Billy Rochelle.

## Roll Call.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent-Excused.

Martin. Woodul.

Senators Excused.

On motion of Senator Woodward, the following Senators were excused for the day:

Senator Martin, on account of the serious illness of his brother.

Senator Woodul, on account of important business.

## Proclamation of the Governor.

The Chair laid before the Senate the following proclamation of the Governor:

## PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

No. 8294.

To All to Whom These Presents Shall Come:

Whereas, in August, 1917, the voters of Texas adopted what is now known as Section 59a of Article 16 of our Constitution and declared that "the conservation and development of all of the natural resources of this State \* \* \* and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto"; and

Whereas, There exists a deplorable condition in Texas on account of the great waste of our natural resources, particularly in oil and gas, and there is an urgent demand for the strengthening of our conservation laws to prevent this enormous waste, and

Whereas, Citizens from every section of this State as well as a great number of the members of the Legislature are insisting that the Legislature be convened in order that such laws may be enacted as they shall deem necessary and adequate to conserve these natural resources.

Now, Therefore, I, R. S. Sterling, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-second Legislature to be convened in the City of Austin, Texas, commencing at twelve o'clock, noon,

on Tuesday, July 14th, A. D., 1931, for the following purposes:

1. To enact such legislation as will adequately provide for the conservation of the natural resources of our State.

2. To consider and act on such other subjects of public importance as the Executive may, from time to time, during the Session, submit by message or otherwise.

In Testimony Whereof, I hereunto sign my name and cause to be impressed hereon the Seal of the State of Texas, at Austin, this the 8th day of July, A. D., 1931.

R. S. STERLING,  
Governor of Texas.

By the Governor:

JANE Y. McCALLUM,  
Secretary of State.

I, Jane Y. McCallum, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of Proclamation issued by the Governor of the State of Texas on July 8th, 1931, calling a Special Session of the Forty-second Legislature to convene in the City of Austin, at twelve o'clock noon, Tuesday, July 14th, A. D., 1931.

In Testimony Whereof, I have hereunto signed my name officially and caused the Seal of State to be impressed hereon at my office in the City of Austin, this the 8th day of July, A. D., 1931.

JANE Y. McCALLUM,  
(Seal) Secretary of State.

#### Committee from the House.

The Chair recognized the Doorkeeper who introduced a Committee from the House who informed the Senate that the House was organized and ready for business.

#### At Ease.

On motion of Senator Woodward, the Senate stood at ease until 2:30 o'clock p. m.

#### Caucus Report.

The Senate was called to order at 2:30 o'clock p. m. by Lieutenant Governor Edgar E. Witt.

Senator Pollard sent up the following caucus report:

#### CAUCUS REPORT.

Austin, Texas, July 14, 1931.

A caucus was held in the office of the Senate, attended by 29 Senators.

The purpose of the caucus was to determine the number, personnel and salary of the Senate officers and employees for the ensuing First Called Session of the Forty-second Legislature.

The following officers were elected:

Secretary: Bob Barker.

Assistant Secretary: Mrs. Walter Pierce.

Journal Clerk: Wendell O'Neal.

First Assistant Journal Clerk: Patti Clendenin.

Sergeant-at-Arms: Captain A. W. Holt.

First Assistant Sergeant-at-Arms: Tom McLendon.

Second Assistant Sergeant-at-Arms: Joel Gunn.

Night Sergeant-at-Arms: Oliver West.

Calendar Clerk: M. H. Dreyer.

Assistant Calendar Clerk: Mrs. Grace Jennings.

Assistant Calendar Clerk: Mrs. Martha Turner.

Mailing Clerk: Mrs. Ann Polglass.

Engrossing and Enrolling Clerk: John H. Tobin.

Postmistress: Mrs. Lola P. Lawrence.

Assistant Postmistress: Mrs. Hugh Harris.

Chaplain: Rev. W. H. Doss.

Doorkeeper: W. C. Collins.

Assistants: Gene Houchins and J. C. Adrian.

Custodian of Records: \_\_\_\_\_ Baker.

The Lieutenant Governor is requested to recommend that the Southwestern Bell Telephone Company employ Miss Mary Jacobs at a salary of Five Dollars (\$5.00) per day to attend to the duties of telephone operator of the Senate.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all Assistant Sergeant-at-Arms, Assistant Mailing Clerks and Assistant Doorkeepers for any and all purposes they desire.

The Lieutenant Governor is hereby authorized to appoint an elevator boy to serve at night and on Sunday, said elevator boy to receive \$4.00 per day.

It is further recommended that each Senator be permitted to name two employees of the Senate other than their private secretaries, and that their names be referred to a committee of five Senators appointed by the Chairman of the Caucus, and that said committee be authorized to select such employees in the Engrossing and Enrolling room from the names submitted and that out of the two employees allowed each Senator, first shall be deducted the elective officers above named, which were named by the various Senators who shall only be allowed to appoint one additional employee. All employees now drawing \$10.00 per day, excepting the Secretary of the Senate shall be paid \$7.50 per day.

All employees, except those responsible directly to some Senator or committee shall report for duty at eight o'clock in the morning and at one o'clock in the afternoon to the Sergeant-at-Arms of the Senate, and none of said employees shall be paid for days they are absent from work.

The Chairman of the Caucus appointed Senators Woodward, Moore, Russek, Gainer, and Thomason to assign employees of the Senate selected by the various Senators to their respective positions.

It is further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk of each committee of which said Senator shall be Chairman, save and except that this does not apply to the Chairman of the Finance Committee, all of whom shall receive \$5.00 per day.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary, whose salaries shall be the same as in the Regular Session.

It is further recommended that the compensation of officers and employees named, except as otherwise expressly provided, shall be the same as during the Regular Session of the Forty-second Legislature.

It is further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the

Lieutenant Governor be permitted to select a secretary and an assistant secretary and personal messenger, and that their salaries be the same as during the Regular Session of the Forty-second Legislature, subject to the provisions of this caucus report.

It is further recommended that the Secretary of the Senate be permitted to select a messenger and page and that their salaries be the same as during the Regular Session of the Forty-second Legislature.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that twenty-eight hundred (2800) Journals be printed and that the same be prorated among the Senators and the Lieutenant Governor, except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month per machine.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a Secretary of the Finance Committee at a salary of seven & 50/100 Dollars (\$7.50) per day, and a statistician at a salary of Seven & 50/100 Dollars (\$7.50) per day, and an assistant secretary at a salary of Five Dollars (\$5.00) per day.

It is further recommended that each Senator, the Lieutenant Governor, and Secretary of the Senate be permitted to subscribe for five daily papers, to be paid for out of the contingent funds.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in transmitting and receiving of telephone messages and telegraph messages, and for express charges and freight charges that may be actually necessary in the discharge of their official duty, said expenses to be paid out of the contingent fund.

It is further recommended that the Secretary of the Senate, Sergeant-at-

Arms and the porters who have been appointed to prepare the Senate Chamber in advance for the meeting of this session of the Legislature and the various employees of the Finance Committee who have been employed to prepare finance bills be paid for such days as are approved by the Contingent Expense Fund Committee at the salary now being paid said officers and employees.

A. PARR, Chairman,  
TOMAS G. POLLARD, Secretary.  
The report was read.

Senator Woodruff sent up the following amendment:

Amend caucus report by changing reference to employees' salaries as follows: "The pay of no employee, except the Secretary of the Senate, shall exceed \$5.00 per diem."

WOODRUFF.

The amendment was read.

Senator Pollard raised the point of order that a caucus report could not be amended but must be accepted as such or recommitted to the caucus.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Woodruff moved to recommit the report to the caucus.

Senator Purl moved the previous question on the motion to recommit. The previous question was ordered.

The motion to recommit was lost by the following vote:

Yeas—11.

Cunningham.	Poage.
DeBerry.	Pollard.
Holbrook.	Purl.
Hornsby.	Rawlings.
Loy.	Woodruff.
Oneal.	

Nays—17.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Hopkins.	Thomason.
Moore.	Williamson.
Neal.	Woodward.
Parr.	

Absent.

Cousins.

Absent-Excused.

Martin.

Woodul.

The caucus report was adopted by the following vote:

Yeas—19.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Hopkins.	Williamson.
Moore.	Woodward.
Neal.	

Nays—10.

DeBerry.	Poage.
Holbrook.	Pollard.
Hornsby.	Purl.
Loy.	Rawlings.
Oneal.	Woodruff.

Absent-Excused.

Martin.

Woodul.

Senator Woodruff sent up the following amendment:

Whereas, it being the sense of the Senate that rigid economy be had in the expense of the First Called Session of the Forty-second Legislature, therefore, be it

Resolved That the pay of no employee of the Senate, except the Secretary, exceed \$5.00 per diem and caucus report as adopted be amended accordingly.

WOODRUFF.

The amendment was read.

Senator Moore inquired if the Chair had not previously ruled that the caucus report could not be amended.

The Chair stated that he held that before its adoption the caucus report was not subject to amendment but once it was adopted it could be amended.

The amendment was lost by the following vote:

Yeas—13.

Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hornsby.	Woodruff.
Loy.	

**Nays—16.**

Beck.	Patton.
Berkeley.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Moore.	Thomason.
Parr.	Williamson.
Parrish.	Woodward.

**Absent-Excused.**

Martin.	Woodul.
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Senator Holbrook sent up the following amendment:

Amend the caucus report as adopted, by striking out "two" and substituting "one" between the words "name" and "employees" on page two of the report.

**HOLBROOK.**

Read and lost by the following vote:

**Yeas—11.**

Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Holbrook.	Rawlings.
Hornsby.	Woodruff.
Oneal.	

**Nays—18.**

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodward.

**Absent-Excused.**

Martin.	Woodul.
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**Oath of Office.**

The Sergeant-at-Arms conducted the newly-elected officers to the bar of the Senate where the Chair administered the oath of office.

**President Pro Tem.**

The Chair announced that nominations for President Pro Tem. of the Senate were in order.

Senator Moore nominated Senator Tom DeBerry.

The nomination was seconded by Senators Pollard, Williamson, Har-

din, Woodward, Beck, Berkeley, Purl, Hopkins, Stevenson, Patton, Hornsby, Greer, Poage, Loy, Small, Neal, Holbrook, Woodruff and Cousins.

The Chair appointed Senators Gainer, Russek and Loy to serve as tellers. The tellers collected and counted the votes and announced the following results:

Senator DeBerry, 28 votes.

The Chair declared Senator DeBerry duly elected President Pro Tem., and appointed Senators Russek, Woodruff, and Moore to escort Senator DeBerry to the platform where the Chair administered the oath of office.

The Chair introduced President Pro Tem. DeBerry who briefly addressed the Senate.

**Notification Committees.**

On motion of Senator Woodward, the following committees to notify the Governor and the House that the Senate had completed its organization and was ready for business:

To notify the Governor: Senators Beck, Small, Oneal, Stevenson and Woodward.

To notify the House:

Senators Hornsby, Cunningham, Cousins, Woodruff and Hopkins.

**Bills Introduced.**

By Senator Beck:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary out of the general revenues of the State, to pay the per diem and mileage of members, the salaries and per diem of officers and employees and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas, convened on the 14th day of July, A. D., 1931, by Proclamation of the Governor; providing how payments shall be paid and declaring an emergency."

Read and referred to Committee on Finance.

**Appointment Announced.**

The Secretary of the Senate informed the Journal Clerk that he had appointed J. Y. Jones as page to the Secretary of the Senate as provided for in the caucus report.

**Simple Resolution No. 1.**

Senator Beck sent up the following resolution:

Whereas, The Honorable W. R. Holsey, former Senator from Henderson, Kaufman and Navarro Counties, and now a citizen of Bowie County, rendered distinguished service to this State as member of this Honorable Body in the Thirtieth and Thirty-first Legislatures, and is now on the floor of the Senate; therefore, be it

Resolved That Senator Holsey be extended the privilege of the floor and invited to address the Senate.

BECK.

Read and adopted.

**Senator Holsey Speaks.**

The Chair appointed Senators Beck, Purl and Oneal to escort former Senator Holsey to the platform.

The Chair introduced Senator Beck who introduced Senator Holsey. Mr. Holsey briefly addressed the Senate.

**Adjournment.**

On motion of Senator Woodward, the Senate, at 5:04 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

**SECOND DAY.**

Senate Chamber,  
Austin, Texas,  
July 15, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

**Absent—Excused.**

Martin.  
Russek.

Woodul.

Prayer by the Chaplain, Rev. W. H. Doss.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See appendix.)

**Committee Reports.**

(See appendix.)

**Bills and Resolutions.**

By Senator Cunningham:

S. B. No. 2, A bill to be entitled "An Act declaring soil suitable to growing cotton, one of the natural resources of the State, and in need of preservation and conservation on account of root-rot, a soil disease that is fast spreading, and if not checked will impair and injure the soil, of the entire State, and further declaring that planting land to cotton without rotation aids the spread of said disease, and prohibiting all persons, partnerships, associations and corporations who own, lease or rent land from growing cotton during the year 1932 on more than one-half of the land previously cultivated in cotton during the year 1931, and prohibiting planting cotton two years successively, without rotation and making the violation thereof a misdemeanor, and fixing the punishment, also making it a duty of the Commissioner of Agriculture to procure similar laws in other States, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Woodul, (by request).

S. B. No. 3, A bill to be entitled "An Act to amend Article 4644 of the Revised Civil Statutes of the State of Texas of 1925, relating to the issue of an injunction, or temporary restraining order, prohibiting sub-surface drilling or mining operations on the application of an adjacent landowner, claiming injury to the surface, or improvements, or loss or injury to the minerals thereunder; so as to provide for protection against an unnecessary number of wells, wasteful, uneconomical and